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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,316

06/15/2005

Leslie James Thomas

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EXAMINER

LAUX, JESSICA L

ART UNIT

PAPER NUMBER

3635

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,316	<b>Applicant(s)</b> THOMAS, LESLIE JAMES	
	<b>Examiner</b> Jessica Laux	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/14/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the internal reinforcing member of the second member; also figure 2 does not accurately depict a second lattice member that contacts the first lattice member at the periphery of the passage and at no other portion; must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites "each lattice member has a plurality of said passages...", however, the "said passage" is only previously recited as being in the first member. It is unclear if the claim is recited that now both members have a passage (if this is the case the claim needs to more clearly define this) or if the previously mentioned first member now has a plurality of passages. It is noted that the drawings only show one member having one passage.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-10, 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (6085481).**

Claim 1: Lee discloses a latticework panel comprising a plurality of lattice members arranged in a network, the plurality of lattice members comprising at least one first hollow lattice member (3) disposed in a first direction and at least one second lattice member (4) disposed in a second direction, and at least one

passage (31) located in the at least one first lattice member through which the at least one second lattice member passes,

the passage having a periphery which extends substantially about the at least one second lattice member wherein the at least one second lattice member contacts the at least one first lattice member at the periphery of the passage and at no other portion of the at least one first lattice member (as seen in figures 1 and 2).

Claim 2: The latticework panel according to claim 1 wherein the lattice members are manufactured from metal (Col. 1-2).

Claim 3: The latticework panel according to either claim 1 wherein, the lattice members have a round, oval or polygonal cross-sectional shape (as seen in figure 1).

Claim 4: The latticework panel according to claim 1 wherein each lattice member is tubular in construction (as seen in figure 1).

Claim 5 (as best understood): The latticework panel according to claim 1 wherein each lattice member has a plurality of said passages spaced along its length (as seen in figure 1).

Claim 6: The latticework panel according to claim 1 wherein each second lattice member is disposed substantially at right angles to the at least one first lattice member to form a two-dimensional panel (as seen in figures 1-2).

Claim 7: Lee discloses a latticework panel comprising a plurality of lattice members arranged in a network, the plurality of lattice members comprising

at least one first hollow lattice member (3) disposed in a first direction and at least one second lattice member (4) disposed in a second direction,

at least one passage (31) located in the at least one first lattice member through which the at least one second lattice member passes, the passage having a periphery which extends substantially about the at least one second lattice member wherein the at least one second lattice member contacts the at least one first lattice member at the periphery of the passage and at no other portion of the at least one first lattice member (as seen in figures 1-2) and

at least one frame member (1,2& 5) to which at least some of the lattice members are attached.

Claim 8: The latticework panel according to claim 7 manufactured from metal (Col 1-2).

Claim 9: The latticework panel according to claim 7, wherein the frame member extends entirely about the latticework (as seen in figure 1).

Claim 10: The latticework panel according to claim 7 wherein the frame member comprises a spine portion (5) and two flange members (on 1 or 2 and seen at 21, 11) extending from the spine portion to define a first recess (21, 11) and either the at least one first or at least one second lattice member are received between the two flange members (as seen in figure 1).

Claim 13: The latticework panel according to claim 1 wherein at least one second lattice member is provided with at least one internal reinforcing member (111).

Claim 14: The latticework panel according to claim 13 wherein the at least one internal reinforcing member is an elongate member extending substantially the length of the at least one second lattice member (as seen in figure 2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (6085481).**

Claim 11: Lee discloses the latticework panel according to claim 10 wherein, but does not disclose that each frame member comprises a second recess located between the spine portion and the flange members, to accommodate a fly screen member adjacent the lattice panel. However, it is notoriously common and well known to have screen material at a window or door opening to prevent insects and other unwanted items from obtaining access to one side of the door or window. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the frame of Lee to include a recess for accommodating screening material as such a modification would provide protection against invasion of unwanted items.

Claim 12: Lee discloses the latticework panel according to claim 1 but does not that the lattice members are manufactured from plastics material. However, applicant admits in the specification that it is common and known in the art to have lattices of the type disclosed by Lee to be made of plastic or metal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the metal

material of Lee for a plastic material having the predictable result of an easily manufactured and corrosion resistant lattice. Furthermore it has been held that the substitution of one known element for another, if it produces a predictable result, is likely not the product of invention, but one of obviousness.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/  
Primary Examiner, Art Unit 3633

/J. L./  
Examiner, Art Unit 3635